

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

THIS DOCUMENT RELATES TO:
ALL ACTIONS

EXPLANATION AND ORDER

Before this Court is a motion filed by Balanced Bridge LLC ("Balanced Bridge"), a non-party litigation funding entity, for temporary restraining order and preliminary injunction to preserve distributions to Mitnick Law Office, LLC. ECF No. 11680. Balanced Bridge filed the instant motion on April 14, 2022; Mitnick Law Office, LLC ("Mitnick") filed its response in opposition on April 18, 2022. ECF No. 11681.

Balanced Bridge asks the Court to order the NFL Concussion Settlement Claims Administrator to withhold all future distributions of legal fees to Mitnick. Balanced Bridge holds a \$3.2 million arbitration award against Mitnick, the confirmation of which is pending in this district before the Honorable Petrese Tucker. Speculating that Mitnick may be eligible for additional legal fees for representation of retired NFL players in connection with the Court's March 2, 2022 Order removing race norming from the settlement program, Balanced Bridge seeks to ensure that these fees are retained for possible satisfaction of the arbitration award. Mitnick opposes the motion, noting that it continues to contest the arbitration award and that Balanced Bridge's prior requests to interfere with Mitnick-represented players' settlement claims have been

denied as premature in ongoing proceedings before Judge Tucker and Magistrate Judge Heffley. *See* Order at ECF No. 21, *Balanced Bridge Funding LLC v. Mitnick Law Office, LLC*, Case No. 21-cv-4073 (E.D. Pa. Feb. 25, 2022) (granting Mitnick’s motion to quash subpoena to the Claims Administrator on grounds that “the information sought by the subpoena is not at issue at this juncture in the litigation.”).

In filing its motion, Balanced Bridge attempts to engage judicial resources to adjudicate a dispute not properly before this Court. This Court’s ongoing jurisdiction to administer the settlement and resolve issues relating to it does not extend to the adjudication of third-party contract rights of litigation funders. *Nat’l Football League Players’ Concussion Inj. Litig.*, 923 F.3d 96, 108–09, 112 (3d Cir. 2019). It is not for this Court to inquire into the likelihood of Balanced Bridge’s success on the merits of its claim before Judge Tucker, evaluate the balance of harms in the dispute between these parties, or in any way relitigate issues pending elsewhere.

AND NOW, this **26th** day of **April, 2022**, it is **ORDERED** that Balanced Bridge’s Motion for Temporary Restraining Order and Preliminary Injunction to Preserve Distributions to Mitnick Law Office, LLC is **DENIED**.

S/Anita B. Brody
ANITA B. BRODY, J.

VIA ECF